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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,814	12/16/2003	Jun Fujimoto	402918/SOEI	2867
23548	7590	11/19/2007		
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,814

Applicant(s)

FUJIMOTO, JUN

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 11/01/07. In response to the amendments filed on 10/16/07, claim 1 has been amended and claims 2-3 and 9 have been canceled without prejudice. Claims 1, 4-8 are pending in the current application.

Terminal Disclaimer

The terminal disclaimer filed on 10/16/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of co-pending application 10/735,812 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 4-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 10/735,822.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant application call for a “house card issuing means for issuing which stores user information”, a “server for transmitting casino data required for a casino game” and “a service management server comprising means for managing a casino deposit”. In application 10/735,822 the limitations of the application call for a “house card issuing means for issuing a house card which stores user information”, a “server which, when deposit data indicating a deposit which enables said user to utilize said services are inputted”, and “a service management server comprising means for managing a casino deposit”. The claims of the instant application and the claims of US application ‘822 are restatements towards the same subject matter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to simply re-word the claims of application ‘822 with common variations in terms and phrasing to derive the claims of the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim one has incorporated the limitation “the usage restriction conditions restrict the use of casino services when the casino deposit is accumulated over a time period has exceeded an upper limit” and then claim 8 provides the limitation that to restrict the user of the casino services by the user using the casino data when the “casino deposit reaches zero”. It is unclear with these two limitations present what is intended by the use and behavior and nature of the casino deposit. With the incorporation of these two limitations it is indefinite whether or not the upper limit of the casino deposit is suppose to be zero or if it is a value that fluctuates between a value between zero and the ambiguous “upper limit”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al. (US 7,198,571 B2) as applied to claims above, and further in view of Missouri Gaming Rules (11 CSR 45-6).

Regarding claim 1, LeMay et al. disclose a service management system for managing hotel and casino services provided in a hotel in which a casino is located, comprising: a house

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card issuing means for issuing a house card which stores user information enabling identification of a user of the downloading services (*see Fig. 5 and the related description thereof*); an intra-service server which, for transmitting casino data required for a casino game in response to a download request including the user information (*see Fig. 6*); and a service management server comprising means for managing a casino deposit which enables the user to utilize the casino services upon acquisition of the house card, and for restricting use of the casino services by the user based on usage restriction conditions placed on the casino deposit, where the house card is a guest room key for a user lodging in the hotel (*see Fig. 1(a-c)-2 and the related description thereof*). Although, LeMay et al. does not specifically state the incorporation of a usage restriction condition to restrict the use of casino services when a deposit accumulated over a time period has exceeded an upper limit, there are regulatory codes that would be implemented to meet the needs of the current legal regulations (*ie: restricting use of casino services when a casino deposit or amount lost by a player has exceeded an upper limit accumulated over a time period*) which is an old and well-known function in the gaming industry. In an effort to help reduce players from losing too much money at the casino due to unregulated gambling habits or other unfortunate events, many states have established laws to prevent people from going bankrupt through foolish gambling habits. As taught in the rules set forth by the Missouri Gaming Commission a casino is specified to have a usage restriction of funds if an upper limit (*ie: \$500.00*) has been exceeded over a predetermined time period (*see pg. 4-5*). One would be motivated to incorporate this feature into the casino management system in order for it to meet the regulations set forth by gaming commissions such as the state of Missouri. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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incorporate this feature into the casino management system of LeMay et al. This feature meets the limitations of the claims since the usage restriction conditions are to disable the use of casino services when an upper limit has been exceeded over a time period. As such, the “casino deposit” (*ie: the accumulated amount of money the player has deposited into their account*) has reached an upper limit of \$500.00 then the player would be restricted from use of casino services. As such, the credit tracking techniques taught in LeMay incorporated with the Missouri gaming laws would meet the limitation of a usage restriction conditions that restricts the use of the casino services when the casino deposit accumulated over a time period has exceeded an upper limit.

Regarding claims 4 and 6, LeMay et al. teaches a downloading server for comprising the intra-service server comprises means for updating the casino data in response to an update request (*ie: stored record, see col. 22: ln 3-24*).

Regarding claim 5, LeMay et al. teaches a downloading service system that comprises a multi-media server for transmitting content data to the casino data reception means in response to the download request and a house card server for storing service data indicating the use of the downloading services for downloading the content data (*see col. 21: ln 45-col. 22: ln 24*).

Regarding claim 7, LeMay et al. teaches a downloading service system that comprises an action history management server for managing the actions of the user by obtaining the user information (*ie: cashless server, see Fig. 3 and the related description thereof*).

Regarding claim 8, LeMay et al teaches a service management system for managing hotel and casino services provided in a hotel in which a casino is located comprising means for managing a casino deposit which enables a user to utilize casino services and for restricting use

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of the casino services by the user (*see col. 5: ln 1-col. 6: ln 10*). LeMay et al teaches that the system is able to validate user credits using the cashless server system, for example when the player's debit accounts associated with a financial institution are no longer available (*see col. 5: ln 1-col. 6: ln 10*). Although LeMay et al does not explicitly state that it rejects services to a user when the casino deposit reaches zero, this would be an obvious situation, which would result in what LeMay et al classifies as a "rejected service" by the transaction processor (*see col. 7: ln 35-57, col. 8: ln 12-65*). Since if a player's account has run out of financial resources then the system would reject a transaction and prevent the user from any other services until the problem was remedied in the form of a sent message from the server. This is a basic functionality of a credit card or debit card as taught in the prior art of LeMay et al. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the limitation that services would be halted if an account deposit reached zero, since it would mean that the player no longer has any funds to be played with the account.

Response to Arguments

Applicant's arguments filed 10/16/07 have been fully considered but they are not persuasive. The applicant's representative argues that the limitation "the usage restriction conditions restrict the use of the casino services when the casino deposit accumulated over a time period has exceeded an upper limit" is not suggested or taught with the teachings of LeMay et al. in view of the Missouri gaming rules. Examiner respectfully disagrees. The applicant's views that the casino deposit accumulated over a time period has exceeded an upper limit as only inclusive of the view as not meeting a "stop-limit" interpretation and only the interpretation that has been put forth by the applicant's representative is a vast mischaracterization. The limitation

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calls for a “casino deposit” which can safely define as an amount a player has transferred into an account” for use in a casino. If the teachings of LeMay in view of Missouri gaming rules; a gaming system that tracks player accounts that tracks the casino deposits to not exceed an upper limit of \$500.00 over a time period is taught in the combination as set forth in the rejections above. It is unclear how this does not meet the limitations set forth by the current limitations of the claims, since LeMay’s system clearly tracks the amount of a casino deposit over an accumulated period of time and has the ability to restrict usage of casino services based upon the requirements and needs of a player account. Therefore the teaching of the regulations set forth by Missouri would provide the motivation for a limitation of creating an upper limit over a time period that is associated with a casino deposit and ultimately lead to a restriction of the use of casino services based upon the value of the casino deposit(s).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rowe (US 2002/002075 A1) – Method and Apparatus for Facilitating Monetary and Reward Transactions and Accounting in a Gaming Environment.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).


RH

November 13, 2007


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER